

# Wiley Consumer Protection Download (March 12, 2025)

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Welcome to Wiley's update on recent developments and what's next in consumer protection at the Consumer Financial Protection Bureau (CFPB) and Federal Trade Commission (FTC). CFPB activity continues to be scaled back in the new Administration, and on March 6, 2025, the Senate Banking Committee approved the nomination of Jonathan McKernan as the next CFPB Director. We are watching closely for further updates from the CFPB. The FTC has been active under new Chairman Andrew Ferguson, as we recap in this newsletter.

Wiley also has launched a Trump Administration Resource Center and Resource Guide to track Executive branch priorities during the second Administration of President Trump. With Wiley's deep-rooted understanding of Washington and today's evolving regulatory landscape, the Resource Center and Resource Guide provide critical insights, actionable intelligence, practical solutions, and guidance across key industries to help businesses stay ahead of the curve and manage challenges in 2025 and beyond. Please reach out to any of our authors with any questions about recent Trump Administration actions and the potential impact on regulations or enforcement activity.

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## Practice Areas

Cyber and Privacy Investigations, Incidents  
& Enforcement  
FTC Regulation  
Privacy, Cyber & Data Governance  
Telecom, Media & Technology

## Rulemaking Announcements

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**FTC Launches Joint Labor Task Force.** On **February 26**, Chairman Andrew N. Ferguson issued a memorandum to the FTC's Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Office of Policy Planning, directing them to form a Joint Labor Task Force focused on "deceptive, unfair, and anticompetitive labor market conduct." As we discussed in greater detail here, the memorandum lists examples of such conduct, including no-poach, non-solicitation, or no hire agreements, wage-fixing agreements, noncompete agreements, deceptive job advertising, and job scams. Specifically, the memorandum states that the Joint Labor Task Force will prioritize the investigation and prosecution of such conduct; harmonize the current methods and procedures for uncovering such conduct across the Bureaus; and create information-sharing protocols across the Bureaus. The memorandum explains that the Joint Labor Task force will also promote research on deceptive, unfair, or anti-competitive labor market conduct; identify opportunities for advocacy on legislative and regulatory changes; and engage in public outreach to inform workers of the current state of the law and encourage them to report deceptive, unfair, or anti-competitive labor market conduct to the FTC.

## Select Enforcement Actions

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**FTC Finalizes Order Against Building Services Contractor for Allegedly Enforcing No-Hire Agreements.** On **February 26**, the FTC voted 4-0 to approve, after a public comment period, the final order against a building services contractor for alleged violations of the FTC Act. The FTC's complaint in January alleged that the company included no-hire agreements in its contracts with building service workers and building owners and that the agreements extended after the termination of workers' or owners' contracts. The company agreed to injunctive relief and to provide notice of the order to past and present employees.

**FTC Wins Preliminary Injunction Against Small Business Loan Servicer and Its CEO.** On **February 20**, the U.S. District Court for the Central District of California granted the FTC's motion for preliminary injunction against a small business loan servicer and its CEO alleging violations of the FTC Act, Telemarketing and Consumer Fraud and Abuse Prevention Act, Telemarketing Sales Rule, and Consumer Review Fairness Act. In the FTC's November 2024 complaint, the FTC alleged that the defendants misled consumers by promising to provide loans to their small businesses but instead applying for credit cards in the name of the small business owners and charging for that service regardless of whether the applications were accepted. The FTC also alleged that the company posted fake positive reviews on its website and contractually prohibited customers from posting negative reviews online. The preliminary injunction prohibits the defendants from making false claims about small business loans or credit and from contacting consumers whose information the company obtained prior to February 20, 2025.

**FTC Secures Preliminary Injunction Against Business Opportunity Company and Its Officers for Allegedly Deceptive Business Practices.** On **March 5**, the U.S. District Court for the Central District of California granted a stipulated motion for preliminary injunction filed by the FTC against a business opportunity company and three of its officers, alleging violations of the FTC Act, the Business Opportunity Rule, the Credit Repair

Organizations Act, and the Reviews and Testimonials Rule. The FTC filed a complaint against the defendants in February alleging that the defendants misled consumers by advertising guaranteed profits, supported by false testimonials, if consumers purchased business accelerator products and training courses, but consumers did not receive these profits or the services. The FTC also alleges that the officers offered credit repair and business loan services in which they only signed consumers up for multiple business credit cards. On **February 13**, the court also granted the FTC's application for a temporary restraining order and asset freeze. The court issued another order on **March 5** extending this freeze in addition to granting the stipulated preliminary injunction.

**FTC Sues Debt Collection Company and Its Affiliates and Officers for Allegedly Deceptive Business Practices.** On **March 3**, the FTC filed a complaint in the U.S. District Court for the Central District of California against a debt collection company, its affiliate companies, and two of its officers for alleged violations of the FTC Act, the Fair Debt Collection Practices Act, the Gramm-Leach-Bliley Act, and the Impersonation Rule. The FTC alleges that the defendants sent consumers letters stating they owed money to a payday lender and threatening legal action and credit harm despite the debts never existing. The FTC seeks monetary and injunctive relief.

### Upcoming Comment Deadlines and Events

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**Please note that the following rulemakings were launched under former CFPB Director Chopra. They are still open for comment at the time of publication, and we will monitor activity by new leadership.**

**CFPB Extends Comment Deadline on Proposed Rule to Expand FCRA to Data Brokers and Other Entities.** Comments are now due **April 2, 2025** (extended from a March 3 deadline) on a CFPB Notice of Proposed Rulemaking (NPRM) that would expand the scope of the Fair Credit Reporting Act (FCRA) to cover certain data sharing practices and companies not currently subject to the law, including but not limited to "data brokers" (we summarized the NPRM here). Among other things, the proposed rule would update the FCRA's definitions of "consumer report" and "consumer reporting agency" to cover entities that sell data about a consumer's credit history, credit score, debt payments, or income or financial tier "regardless of the purpose for which any specific communication of such information is used or expected to be used." Additionally, the NPRM would consider a company providing consumer information for non-FCRA purposes to still be providing a "consumer report" if the information *actually is* used for an FCRA-covered purpose "regardless of whether there is evidence that the consumer reporting agency knew or expected that the information would be used for such a purpose."

The NPRM also proposes to regulate the provision of "credit header information," such as names, dates of birth, Social Security numbers, phone numbers, and email addresses, if the information was originally gathered for purposes of preparing a consumer report. As a result, consumer reporting agencies that gather and sell such information would be restricted to selling it for FCRA-related purposes, such as credit or employment, but not other purposes like general fraud prevention.

**CFPB Seeks Comment on Interpretive Rule on EFTA Applicability and Issues RFI on Consumer Payment Data.** Comments are due **March 31, 2025** on the CFPB's Notice of Proposed Interpretive Rule to clarify the existing statutory and regulatory requirements governing electronic fund transfers (EFTs). Specifically, the proposed interpretive rule provides a framework for determining when the Electronic Fund Transfer Act (EFTA) and Regulation E – which give consumers the right to dispute transactions that are potentially fraudulent – would apply to new and emerging digital payment mechanisms.

**CFPB Seeks Comment on Proposed Rule to Restrict Certain Contractual Clauses in Consumer Financial Product and Service Agreements.** Comments are due **April 1, 2025** on an NPRM that proposes to prohibit certain contractual provisions in agreements for consumer financial products or services. Specifically, the proposed rule would prohibit covered persons from including any terms or conditions that purport to waive substantial consumer legal rights and protections (or their remedies) granted by state or federal law, and would also prohibit contract terms that limit free expression.

**CFPB Seeks Comment on the Collection, Use, and Sharing of Consumer Personal Financial Data.** Comments are due **April 11, 2025** on a Notice and Request for Information (RFI) to better understand how companies that offer consumer financial products or services collect, use, share, and protect consumers' personal financial data. Among other things, this RFI seeks comments on the effectiveness of existing regulations, how to strengthen the existing framework, and the types of data the public believes the CFPB should monitor on a routine basis.

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March Privacy Forecast: A Weekly Series

FTC Announces New Labor Market Task Force and Prioritizes Worker Protections

New DOJ Restrictions on Cross-Border Data Transactions Take Effect April 8: Ten Questions as Your Business Prepares to Comply

FTC Seeks Comment on Tech Content Moderation Policies

Wiley Welcomes Former FTC Deputy Director Ian Barlow, Strengthening Regulatory, Enforcement, and Compliance Capabilities

Trump Administration Seeks Input on AI Action Plan

10 Key Privacy Developments and Trends to Watch in 2025

CES 2025: FTC Commissioners Discuss Approach to AI in New Administration

FTC Adopts Amended Children's Online Protection Act Rule

Federal Cybersecurity Policy in 2025: What to Watch in Changing Times

Trump Administration Issues New AI Executive Order

Taking Stock of the Trump Administration's Regulatory Freeze

President Trump Revokes Biden Administration's AI EO: What To Know

FTC Announces Rule on "Junk Fees" and Pricing Disclosures in Certain Industries

10 Noteworthy CFPB Developments From 2024

CFPB Proposes to Expand Reach of Fair Credit Reporting Act to "Data Brokers" and Beyond

FTC Adopts Final "Click-to-Cancel" Rule with Requirements for Recurring Subscriptions

Key Takeaways from Our Conversation with Oregon and Texas Regulators About Privacy Enforcement

Podcast: Navigating State Privacy Laws: A Conversation with Oregon and Texas Regulators about Privacy Enforcement

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